

United States District Court

WESTERN DISTRICT OF TENNESSEE

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

V.

CASE NUMBER: 09-MJ-023

CARLOS AVANT

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about March 25, 2009, in the Western District of Tennessee, the defendant did

possess with the intent to distribute at least 50 grams of a mixture and substance containing a detectable amount of methamphetamine, a schedule II controlled substance,

in violation of Title 21, United States Code, Section 841(a)(1). I further state that I am Drug Enforcement Administration Task Force Officer John Rada and that this complaint is based on the following facts:

SEE AFFIDAVIT

Continued on the attached sheet and made a part hereof.

☒ Yes ☐ No


Signature of Complainant

Sworn to before me, and subscribed in my presence

March 26, 2009
Date

at Memphis, Tennessee
City and State

Tu M. Phan, U.S. Magistrate Judge S/Tu M. Phan
Name and Title of Judicial Officer Signature of Judicial Officer

AFFIDAVIT

I, John Rada, declare as follows:

1. I am a Task Force Officer (TFO) with the Drug Enforcement Administration (DEA) and have held this position since October 2008. I have been a Shelby County Sheriff's Deputy for 11 years. During this time, I have investigated drug organizations that distributed drugs on a local level, as well as organizations that were responsible for importing illicit drugs from other states and countries.

2. In this affidavit I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish the necessary foundation. Based on my personal participation in this investigation, and information provided to me by other law enforcement officers, I am familiar with the facts and circumstances referred to in this affidavit. Also, based on my training and experience, and the information set out below, I believe there is probable cause to believe that on March 25, 2009, Carlos Avant possessed with intent to distribute at least 50 grams of methamphetamine, a schedule II controlled substance.

Background information from Confidential Source

3. On March 25, 2009 officers with the DEA Memphis RO met with a confidential source (CS), who advised that a male subject known as Carlos is selling large quantities of methamphetamine in the Memphis/Shelby County area.

4. The CS advised that he had purchased methamphetamine for approximately 1.5 years from Carlos. The CS advised the majority of these narcotics transactions were conducted using text messages from the CS's cellular telephone to Carlos's telephone (662-934-6254). The CS advised that once the CS received the location of the rendezvous from Carlos, the CS would text message Carlos again to receive a description of a vehicle where the methamphetamine would be located, as well as where the narcotics were in the vehicle. The CS advised that usually Carlos would not be present when the CS would pick up the narcotics and would leave the vehicle unlocked for the CS. The CS would also leave the money for the purchase inside the vehicle. The CS advised that Carlos used several vehicles to facilitate the narcotics transactions, including a grey Nissan Altima with chrome wheels.

Transaction on March 25, 2009

5. At about 5:05 p.m. on March 25, 2009, while being monitored by TFO John Rada and TFO Dennis Brunson, the CS sent a text message to Carlos. The text message read "What's up dude wonderen if we were worken today." At about 5:15 p.m. the CS received a text message from Carlos that read: "Same place Hour". The CS advised that the last place the CS met Carlos was in the parking lot of the Clicks Billiards located at 3705 Malco Way in Memphis, Tennessee.

6. At about 5:25 p.m. the CS received a text message from Carlos that read: "???". The CS then sent a text message to Carlos that read: "B there at 630". At about 5:30 p.m. the CS received a text message from Carlos that read: "K".

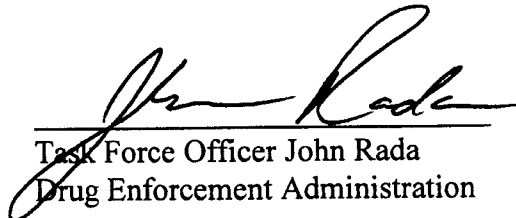
7. Law enforcement officers set up surveillance at Clicks Billiards. At about 6:05 p.m., TFO George Stauffer observed a grey 2004 Nissan Altima with chrome wheels displaying TN tag-242SWY arrive and park in front of Clicks Billiards. TFO Stauffer observed two male subjects get out of the vehicle and enter Clicks Billiards. Those male subjects were later identified as Carlos Avant and Bobby Perry. TFO Rada checked Tennessee motor vehicles records and discovered that the Altima was vehicle registered to a Carlos Avant of 5832 Oakland Hills Lane in Memphis, Tennessee.

8. At about 6:15 p.m. the CS sent a text message to Carlos that read: "15 min". At about 6:20 p.m. the CS received a text message from Carlos that read: "K". At about 6:30 p.m. the CS received a text message from Carlos that read: "Console. Grey car."

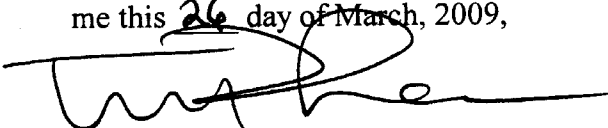
9. At about 6:35 p.m. TFO Kevin Helms, Special Agent (SA) J.T. Scroggs and the CS arrived at the parking lot of Clicks Billiards. The CS pointed out the grey 2004 Nissan Altima parked in front of Clicks Billiards. TFO Helms parked his vehicle near the Altima and the CS retrieved the suspected methamphetamine from the console of the Nissan Altima. SA Scroggs took custody of the suspected methamphetamine from the CS.

10. At about 7:10 p.m. TFO Stauffer observed Avant and Perry exit the Clicks Billiards. After Carlos Avant attempted to enter the Nissan Altima officers placed Avant into custody without incident. TFO John Rada examined Avant's cellular telephone and discovered it contained the same text messages sent to and received from the CS's cellular phone. The cellular phone number was 662-934-6254 and was the same phone number the CS provided for Carlos. TFO Helms provided a photo of Carlos Avant and the CS positively identified the photo as Carlos. TFO Helms also conducted a drive-by of Avant with the CS and the CS positively identified Carlos.

11. The suspected methamphetamine was field-tested by SA Scroggs in the presence of TFO Helms with positive results for methamphetamine. The methamphetamine weighed approximately 152.0 gross grams.


Task Force Officer John Rada
Drug Enforcement Administration

Sworn to and subscribed before
me this 26 day of March, 2009,


U.S. Magistrate Judge